

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Myla Giles

Case No.: 15-26641

Judge: ABA

Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original
 ☒ Modified/Notice Required
 ☒ Discharge Sought
- ☐ Motions Included
 ☐ Modified/No Notice Required
 ☐ No Discharge Sought

Date: 9/19/16

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ _____^{**} per _____ month to the Chapter 13 Trustee, starting on _____ for approximately _____ months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):

**No payments in July or August each year. Payments to begin October 2015 for 3 months at \$100/month. Then pension loan ends, then payments are \$613/mo for 57 months (60 months total). Plus proceeds from distribution from Estate of Beatrice F. Giles, deceased, to satisfy plan as 100% plan to unsecured creditors.

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: _____

- ☐ Refinance of real property:

Description:

Proposed date for completion: _____

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Jenkins & Clayman	Legal Fees	\$300 to modify plan
IRS	2013 and 2014 Federal income tax and 2015 federal income tax	\$10,300

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Bank of America (1st mtg.) The Grande at Kings Woods	Residence	\$7,494.42	N/A	\$7,494.42	Resume 10/2015
	Residence	\$3,912.38	N/A	\$3,912.38	Resume 10/2015

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Bank of America (2nd mtg)	Residence	\$23,000	\$195,000	\$216,000	\$0 cramdown to \$0	N/A	\$0 strip off 2nd mortgage

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:
Payments to American Honda Finance will remain current outside plan.

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
☒ Not less than 100 percent
☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
ALL student loan creditors including ECMC	Long-term non dischargeable debt	Payments outside plan only	No payments for Chapter 13 Trustee

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Jenkins & Clayman
- 3) The Grande at Kings Woods
- 4) Bank of America
- 5) IRS 6) Unsecured creditors who file timely proofs of claim

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 3/18/16.

Explain below **why** the plan is being modified:

Debtor owes federal income tax from 2015

Explain below **how** the plan is being modified:

1. Add 2015 federal income tax liability to plan
2. To correct Trustee payment to \$\$613/mo while she is working.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 9/19/16

/s/ Eric J Clayman
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 9/19/16

/s/Myla Giles
Debtor

Date: _____

/s/
Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Myla M. Giles
 Debtor

Case No. 15-26641-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

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 Total Noticed: 35

Date Rcvd: Sep 19, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 21, 2016.

db +Myla M. Giles, 1 Highgrove Court, West Deptford, NJ 08086-3814
 cr +American Honda Finance Corporation d/b/a Acura Fin, P.O. Box 168088, Irving, TX 75016-8088
 cr +BANK OF AMERICA, N.A., c/o Koury Tighe Lapres Bisulca & Sommers, 1423 Tilton Road,
 Suite 9, Northfield, NJ 08225-1857
 cr The Grande at Kings Woods, 225 Berkley Road, Mantua, NJ 08051
 515719750 +ACS/JP Morgan Chase Bank, 501 Bleecker Street, Utica, NY 13501-2401
 515719752 ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
 (address filed with court: American Honda Finance, 201 Little Falls Drive,
 Wilmington, DE 19808)
 515719754 +ASA, c/o Delta Management Associates, Inc., 100 Everett Avenue, Ste 6, PO Box 9191,
 Chelsea, MA 02150-9191
 515719751 American Express, PO Box 1270, Newark, NJ 07101-1270
 515807524 American Express Centurion Bank, c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
 515719753 American Student Assistance, c/o Delta Management Associates, 100 Everett Avenue, Ste 6,
 PO Box 9191, Chelsea, MA 02150-9191
 515954078 Bank of America, PO BOX 31785, Tampa, FL 33631-3785
 515719755 Bank of America Home Loans, PO Box 5170, Simi Valley, CA 93062-5170
 515719756 +Bank of America, N.A., c/o Frederick J. Hanna & Associates, PC, 2253 Northwest Parkway,
 Marietta, GA 30067-8764
 515868801 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 515719762 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Home Depot Credit Services, PO Box 182676,
 Columbus, OH 43218-2676)
 515719758 Capital One/Neiman Marcus, PO Box 5235, Carol Stream, IL 60197-5235
 515719759 Capital One/Saks Fifth Avenue, PO Box 71106, Charlotte, NC 28272-1106
 515719760 +Chase Bank USA, N.A., c/o United Collection Bureau, Inc., 5620 Southwyck Blvd, Ste 206,
 Toledo, OH 43614-1501
 515719761 Chase Cardmember Service, PO Box 15548, Wilmington, DE 19886-5548
 515917219 ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408
 515822473 +Midland Credit Management, Inc. as agent for, MIDLAND FUNDING LLC, PO Box 2011,
 Warren, MI 48090-2011
 515719764 State of New Jersey, Division of Taxation, PO Box 445, Trenton, NJ 08695-0445
 515742122 +The Grande at Kings Woods, Attn Thomas J. Orr, 321 High Street, Burlington, NJ 08016-4411
 515719767 +The Grande at Kings Woods, c/o Dennis McInerney, Esq., Moorestown Time Square,
 710 East Main Street, Ste 2B, Moorestown, NJ 08057-3066
 515719766 +The Grande at Kings Woods, c/o Budd Realty, 901 Cooper Street, Deptford, NJ 08096-2572
 515719765 +The Grande at Kings Woods, Condominium Association, PO Box 783, Woodbury, NJ 08096-7783
 515719768 +The Home Depot/Citibank, N.A., c/o Monarch Recovery Mgmt., Inc., PO Box 16119,
 Philadelphia, PA 19114-0119
 515719769 +The Home Depot/Citibank, N.A., c/o United Collection Bureau, Inc.,
 5620 Southwyck Blvd., Ste 206, Toledo, OH 43614-1501
 515719770 Union Plus Credit Card, PO Box 71104, Charlotte, NC 28272-1104

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Sep 19 2016 23:14:16 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Sep 19 2016 23:14:07 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235

515752866 E-mail/Text: ebnbankruptcy@ahm.honda.com Sep 19 2016 23:14:22
 American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088,
 Irving, TX 75016-8088, 866-716-6441

515719757 +E-mail/Text: bankruptcydpt@mcmcg.com Sep 19 2016 23:14:06 Capital One, N.A.,
 c/o Midland Credit Management, Inc., 8875 Aero Drive, Ste 200, San Diego, CA 92123-2255

515719763 E-mail/Text: cio.bncmail@irs.gov Sep 19 2016 23:13:46 IRS, PO Box 7346,
 Philadelphia, PA 19101-7346

515845058 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 19 2016 23:46:44
 Portfolio Recovery Associates, LLC, c/o The Home Depot, POB 41067, Norfolk VA 23541

TOTAL: 6

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 35

Date Rcvd: Sep 19, 2016

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 21, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 19, 2016 at the address(es) listed below:

Conika Majumdar on behalf of Creditor BANK OF AMERICA, N.A. conika.majumdar@fnf.com
Eric Clayman on behalf of Debtor Myla M. Giles jenkins.clayman@verizon.net
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
John M. Sommers on behalf of Creditor BANK OF AMERICA, N.A. JMSommers@KTLBSLAW.com,
ktlbslaw@aol.com
John R. Morton, Jr. on behalf of Creditor American Honda Finance Corporation d/b/a Acura
Financial Services mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com/mhazlett@mortoncraig.com
Joshua I. Goldman on behalf of Creditor BANK OF AMERICA, N.A. jgoldman@kmlawgroup.com,
bkgroup@kmlawgroup.com
R. A. Lebron on behalf of Creditor BANK OF AMERICA, N.A. bankruptcy@feinsuch.com
Thomas J Orr on behalf of Creditor The Grande at Kings Woods tom@torrlaw.com, xerna@aol.com
TOTAL: 9